

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Gregory T. Cercone
Mark S. Handzes
Debtor(s)

Bankruptcy Case No.: 14-24604-CMB
Issued Per May 2, 2019 Proceeding
Chapter: 13
Docket No.: 108 – 89, 94
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 7, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,885 as of May 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
Plan confirmed on following representation of Counsel. Debtors shall file amended Schedule I as soon as circumstances change. Any indicated increase in disposable income (and Unsecured POT) is retroactive to date of change in circumstances: Debtor Husband is unemployed since January 2019.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 10, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Gregory T. Cercone
Mark S. Handzes
DebtorsCase No. 14-24604-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 41

Date Rcvd: May 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 12, 2019.

db/jdb
13977559 +Gregory T. Cercone, Mark S. Handzes, 422 Sussex Drive, Cranberry Twp, PA 16066-4368
13957670 +ACAR Leasing LTD, d/b/a GM Financial Leasing, P.O. Box 183692, Arlington, TX 76096-3692
13957671 Associates in Gastroenterology, 5500 Brooktree Road, Suite 201, Wexford, PA 15090-9260
13998987 Bank of America, P.O. Box 15222, Wilmington, DE 19886-5222
13991109 Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
14013235 Capital One, N.A., c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
+Cavalry SPV I, LLC, Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200,
Tucson, AZ 85712-1083
13957678 Chase Card Member Service, P. O. Box 15153, Wilmington, DE 19886-5153
13957680 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial, P.O. Box 6403, Carol Stream, IL 60197)
13965162 +Department Stores National Bank For Macys Branded, Bankruptcy Processing, Po Box 8053,
Mason, OH 45040-8053
13957682 +First National Bank of Omaha, P.O. Box 2557, Omaha, NE 68103-2557
13973779 +First National Bank of Omaha, 1620 Dodge Street, Stop Code 3105, Omaha Ne 68197-0003
13957683 GM Financial, 75 Remittance Drive, Suite 1738, Chicago, IL 60675-1738
13957687 Macy's, P.O. Box 183083, Columbus, OH 43218-3083
14054157 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage, LLC, PO Box 619096, Dallas, TX 75261-9741)
13957688 #Paypal Credit, P.O. Box 105658, Atlanta, GA 30348-5658
14349350 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284
13957695 Target/Redcard, P.O. Box 660170, Dallas, TX 75266-0170
13957696 +UPMC Passavant, P.O. Box 382059, Pittsburgh, PA 15250-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr

+E-mail/Text: bncmail@w-legal.com May 11 2019 02:23:24 Synchrony Bank,
c/o Weinstein & Riley, P.S., 2001 Western Ave., Suite #400, Seattle, WA 98121-3132
13964261 E-mail/Text: ally@ebn.phinsolutions.com May 11 2019 02:22:36
Ally Bank serviced by Ally Servicing LLC, PO Box 130424, Roseville, MN 55113-0004
13957669 E-mail/Text: ally@ebn.phinsolutions.com May 11 2019 02:22:36 Ally Financial,
P.O. Box 901951, Louisville, KY 40290-1951
13957668 +E-mail/Text: ally@ebn.phinsolutions.com May 11 2019 02:22:36 Ally Financial,
P.O. Box 9001951, Louisville, KY 40290-1951
14010569 +E-mail/Text: bncmail@w-legal.com May 11 2019 02:23:24 COMENITY CAPITAL BANK/PAYPAL CREDIT,
C/O WEINSTEIN & RILEY, P.S., 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
13957673 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 11 2019 02:34:43 Capital One,
P.O. Box 71083, Charlotte, NC 28272-1083
13991691 +E-mail/Text: bankruptcy@cavps.com May 11 2019 02:23:29 Cavalry SPV I, LLC,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
13957679 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM May 11 2019 02:22:51 Comenity - Levin,
PO Box 659704, San Antonio, TX 78265-9704
13957681 E-mail/Text: mrdiscen@discover.com May 11 2019 02:22:36 Discover, P.O. Box 71084,
Charlotte, NC 28272-1084
13962354 E-mail/Text: mrdiscen@discover.com May 11 2019 02:22:36 Discover Bank,
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
13957685 E-mail/Text: BKRMailOPS@weltman.com May 11 2019 02:22:48 Jared Galleria of Jewelry,
P.O. Box 740425, Cincinnati, OH 45274-0425
13957686 +E-mail/Text: bncnotices@becket-lee.com May 11 2019 02:22:39 Kohl's, P.O. Box 3084,
Milwaukee, WI 53201-3084
14014303 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 11 2019 02:36:05
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
13979267 E-mail/Text: bnc-quantum@quantum3group.com May 11 2019 02:22:57
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14952113 +E-mail/Text: bncmail@w-legal.com May 11 2019 02:23:24 SYNCHRONY BANK,
c/o Weinstein & Riley, P.S., 2001 Western Ave, Ste 400, Seattle, WA 98121-3132
13978921 +E-mail/Text: ecf@buckleyking.com May 11 2019 02:22:37 Sterling Jewelers, Inc.,
dba Jared The Galleria of Jewelry, c/o Buckley King LPA, 600 Superior Avenue East,
Suite 1400, Cleveland, Ohio 44114-2693
13957689 E-mail/PDF: gecsed@recoverycorp.com May 11 2019 02:35:53 Synchrony Bank/Amazon,
PO Box 960013, Orlando, FL 32896-0013
13957690 E-mail/PDF: gecsed@recoverycorp.com May 11 2019 02:35:53 Synchrony Bank/JC Penney,
PO Box 960090, Orlando, FL 32896-0090
13957691 E-mail/PDF: gecsed@recoverycorp.com May 11 2019 02:35:54 Synchrony Bank/Levin,
P.O. Box 960061, Orlando, FL 32896-0061
13957692 E-mail/PDF: gecsed@recoverycorp.com May 11 2019 02:34:39 Synchrony Bank/Lowes,
PO Box 530914, Atlanta, GA 30353-0914
13957693 E-mail/PDF: gecsed@recoverycorp.com May 11 2019 02:35:15 Synchrony Bank/Walmart,
P.O. Box 530927, Atlanta, GA 30353-0927
13972940 +E-mail/Text: bncmail@w-legal.com May 11 2019 02:23:24 TD BANK USA, N.A.,
C O WEINSTEIN,PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
TOTAL: 22

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 41

Date Rcvd: May 10, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank of America, N.A.
cr Nationstar Mortgage LLC
cr* +-NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage, LLC., PO Box 619096,
Dallas, TX 75261-9741)
13957674* Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
13957675* Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
13957676* Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
13957677* Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
14009914* +-DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
PO Box 10390, Greenville, SC 29603-0390)
13957684* GM Financial, 75 Remittance Drive, Suite 1738, Chicago, IL 60675-1738
13957694* Synchrony Bank/Walmart, P.O. Box 530927, Atlanta, GA 30353-0927
13957672 ##+Beaver Valley Foot Clinic, P.O. Box 1205, Aliquippa, PA 15001-0935
TOTALS: 2, * 8, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 12, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on May 10, 2019 at the address(es) listed below:

Ann E. Swartz on behalf of Creditor Bank of America, N.A. ecfmail@mwc-law.com,
ecfmail@ecf.courtdrive.com
Ann E. Swartz on behalf of Creditor Nationstar Mortgage LLC ecfmail@mwc-law.com,
ecfmail@ecf.courtdrive.com
Celine P. DerKrikorian on behalf of Creditor Nationstar Mortgage, LLC. ecfmail@mwc-law.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkggroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage, LLC. bkggroup@kmlawgroup.com
Lauren M. Lamb on behalf of Debtor Gregory T. Cercone
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@s
teidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@stei
dl-steinberg.com
Lauren M. Lamb on behalf of Joint Debtor Mark S. Handzes
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@s
teidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@stei
dl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9